

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATHAMBO CHIBAMBO,

Plaintiff,

v.

LAKESIDE SCHOOL,

Defendant.

CASE NO. C04-2111L

ORDER STRIKING  
DEFENDANT'S "OBJECTIONS"  
TO INITIAL DISCLOSURES

This matter comes before the Court on "Defendant's Objections to Initial Disclosures and Joint Status Report and Discovery Plan." Dkt. # 14. Defendant objects to having to make any disclosures while its motion to dismiss is pending because, if the motion is successful, initial disclosures and the presentation of a discovery plan will be unnecessary.

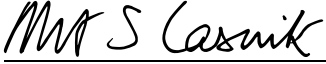
Pursuant to the Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. # 9), the parties must conduct a conference under Fed. R. Civ. P. 26(f) by June 7th, exchange initial disclosures by June 14th, and file their joint status report by June 21, 2005. Rather than file a motion or attempt to reach an agreement with plaintiff regarding these dates, defendant filed "objections" to the Court's scheduling order.

ORDER STRIKING DEFENDANT'S "OBJECTIONS"  
TO INITIAL DISCLOSURES

1 These objections are not noted on the Court's calendar for consideration and have no effect.  
2 The objections are, therefore, STRICKEN and no further action will be taken regarding  
3 them. In addition, the purpose of the initial disclosure requirements is to expedite the  
4 discovery process. Despite defendant's confidence that its recently-filed motion to dismiss  
5 will be granted, plaintiff is entitled to the discovery described in Fed. R. Civ. P. 26(a).  
6 Unlike litigation under the Private Securities Litigation Reform Act, the rules that apply to  
7 this litigation do not contain a provision staying the initial disclosures should a party file a  
8 motion for judgment on the pleadings. Defendant has not met its burden under Fed. R. Civ.  
9 P. 26(c) of showing that it conferred with plaintiff to resolve this discovery dispute without  
10 Court action or that it is entitled to a protective order prohibiting all discovery in this case.

11  
12 For all of the foregoing reasons, defendant's objections to the Court's  
13 scheduling order (Dkt. # 14) are STRICKEN. Absent an agreement between the parties,  
14 initial disclosures shall be made as soon as possible following this Order: the joint status  
15 report shall be filed as scheduled on June 21st.

16  
17 DATED this 13th day of June, 2005.

18  
19   
20 Robert S. Lasnik  
21 United States District Judge  
22  
23  
24  
25